

# THE GOVERNMENT OF THE REPUBLIC OF CROATIA

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Pursuant to Article 1 of the Act on the Power of the Government of the Republic of Croatia to Regulate Certain Matters from the Scope of the Croatian Parliament by Way of Regulations (Official Gazette 115/14), the Government of the Republic of Croatia, at its session on 17 December 2014, adopted the following

## REGULATION

### ON AMENDMENTS TO THE PENSION INSURANCE ACT

#### Article 1

In the Pension Insurance Act (Official Gazette 157/2013), in Article 4, paragraph 1, after the word "belong" the words "shall, by way of derogation from inheritance legislation" are inserted.

#### Article 2

In Article 12, after the word "basis", the words "and unless otherwise provided for in a special regulation" are added.

#### Article 3

In Article 18, after paragraph 5, a new paragraph 6 is added which reads:

"(6) Extended insurance may cover a life partner of an insuree who has entered into a same-sex life partnership, under the conditions prescribed for spouses of insurees."

The former paragraph 6 becomes paragraph 7.

#### Article 4

After Article 22, Article 22a is added which reads:

#### "Article 22a

(1) In case of death of an insuree or a beneficiary of old-age pension, early retirement pension, disability pension and temporary disability pension who had entered into a same-sex life partnership, with the exception of persons referred to in Article 22 of this Act, insurance shall cover their family members, as follows:

1. life partner;
2. child towards whom he/she exercises partner-guardianship;

3. child of a deceased life partner whom the insuree supported pursuant to the provisions of this Act and regulations governing same-sex life partnership;

4. life partner of the parent of the insuree, whom the insuree supported pursuant to the provisions of this Act and regulations governing same-sex life partnership.

(2) The provision of paragraph 1 of this Article shall also apply in case of death of an insuree or a beneficiary of old-age pension, early retirement pension, disability pension and temporary disability pension who had not entered into a same-sex life partnership before a competent authority – informal life partnership, provided the relationship has lasted no less than three years and from its beginning has met the requirements prescribed for the validity of a life partnership and if the existence of an informal life partnership has been determined in *ex parte* judicial proceedings before a competent court.”

#### Article 5

In Article 27, paragraph 2, the words ”with short-time working hours” are replaced by the words ”with working hours shorter than full-time working hours”.

After paragraph 7, paragraph 8 is added which reads:

”(8) By way of derogation from paragraph 3 of this Article, for meeting the qualifying period requirement in order to obtain the rights referred to in Articles 33 and 34, Article 45, paragraph 3, Article 56, paragraphs 1 and 2, Article 57, Article 65, paragraph 1, Article 180, paragraph 1 and Article 182 of this Act, the period spent in part-time employment shall be considered to be the period of full-time employment.”

#### Article 6

After Article 35, the following title is added:

”3. Old-age pension for a long-time insuree”.

#### Article 7

Article 35 is amended to read:

”(1) The right to an old-age pension for a long-time insuree shall be acquired by an insuree who has reached 60 years of age and completed 41 years of insurance periods.

(2) The right to an old-age pension for a long-time insuree referred to in paragraph 1 of this Article may not be acquired by an insuree who has reached the age specified in Article 33 or Article 180 of this Act.”

#### Article 8

The following title is inserted above Article 36:

„4. Early retirement pension due to employer's bankruptcy”.

## Article 9

In Article 36, paragraph 1, after the words "to pension from Article 34", the words "and Article 182" are added.

Paragraph 4 is amended to read:

"(4) Early retirement pension referred to in paragraph 1 of this Article shall be determined by using the initial factor 1.0."

## Article 10.

In the title preceding Article 37, the number "3" is replaced by the number "5".

## Article 11

In Article 37, after paragraph 6, a new paragraph 7 is added which reads:

"(7) When, during the procedure for granting the right to old-age pension, an insuree continues to work up to half of the full time without terminating employment, and he or she fulfils the conditions for this pension, the employer shall, in accordance with Articles 111 and 112 of this Act, submit a report on changes which occurred during insurance on the basis of a modified employment contract."

Former paragraphs 7 and 8 become paragraphs 8 and 9.

## Article 12

In the title preceding Article 39, the number "4" is replaced by the number "6".

## Article 13

In Article 50, paragraphs 1 and 2, the words "an authorised expert examiner or to an expert examination authority" in various grammatical cases are replaced by the words "the Institute for Expertise, Occupational Rehabilitation and Employment of Persons with Disabilities (hereinafter: Institute for Expertise)" in the appropriate grammatical cases.

## Article 14

In Article 53, paragraph 2, the words "the expert examiner, or the examination authority" are replaced by the words "the Institute for Expertise".

## Article 15

Article 58 is amended to read:

"(1) For a beneficiary of the right to disability pension based on a complete loss of working capacity due to illness, this right shall be converted *ex officio* and in the same amount to old-age pension on the first day of the month following the month in which the beneficiary reaches the age specified in Article 33 or Article 180 of this Act.

(2) By way of derogation from paragraph 1 of this Article, conversion shall not apply to disability pensions obtained by beneficiaries pursuant to special regulations under more favourable conditions.”

#### Article 16

In Article 59, paragraph 2, the words ”an authorised expert examiner or an examination authority in the first instance, or pursuant to the findings and opinion of the competent second-instance examination authority of the Institute” are replaced by the words ”an organisational unit of the Institute for Expertise that has territorial jurisdiction, or pursuant to the findings and opinion of the central office of the Institute for Expertise”.

Paragraph 6 is amended to read:

”(6) An insuree entitled to disability pension based on a partial loss of working capacity referred to in Article 39, paragraph 3 of this Act, whose employment, i.e. insurance was terminated following the determined partial loss of working capacity, shall receive disability pension from the first day following his or her employment or insurance termination, on the basis of Article 87, paragraph 1, item 6 of this Act.”

Paragraph 13 is amended to read:

”(13) If a partial or complete loss of working capacity was established in second-instance proceedings following an appeal, the decision on the right to, and payment of, pension shall be rendered pursuant to the findings and opinion of the central office of the Institute for Expertise.”

#### Article 17

In Article 61, paragraph 3, the word ”act” is replaced by the word ”regulation”.

#### Article 18

In Article 72, after paragraph 2, a new paragraph 3 is added which reads:

”(3) If a change has taken place pursuant to which a family member no longer fulfils the conditions on which the acquisition and exercise of the right to a survivors' pension depend, this right shall expire on the date on which the change took place, and the payment of the pension shall be suspended from the first day in the month following that in which the change took place.”

Former paragraphs 3 to 5 become paragraphs 4 to 6.

#### Article 19

After Article 75, Article 75a is added which reads:

”Article 75a

The provisions of this Act which concern the acquisition, determination, exercise, redetermination and loss of the right to a survivors' pension shall apply *mutatis mutandis* to insured family members referred to in Article 22a of this Act.«

#### Article 20

Article 76 is amended to read:

”(1) A disabled worker who acquired the right to occupational rehabilitation shall be entitled to a reimbursement of travel expenses if the Institute has referred him to another location for occupational rehabilitation.

(2) Reimbursement of travel expenses shall encompass compensation for transport costs and compensation for food and accommodation expenses incurred while travelling and staying at another location.

(3) The compensation referred to in paragraph 2 of this Article may not be subject to execution.”

#### Article 21

In Article 85, paragraph 1, after item 4, a new item 5 is added which reads:

”5. old-age pension for a long-time insuree referred to in Article 35 of this Act”.

Former item 5, which becomes item 6, is amended to read:

”6. early retirement pension referred to in Article 36 of this Act.”

Paragraphs 4 and 5 are amended to read:

”(4) The initial factor for determining an early retirement pension for a long-time insuree referred to in Article 35 of this Act, who is granted pension for the first time after the age of 60, and has 41 years of insurance periods with effective duration, shall be determined by increasing the initial factor referred to in paragraph 1 of this Article by 0.15 % a month for each month once the insuree has reached the age required for obtaining the right to such pension, and for no longer than five years. The same initial factor shall apply to the calculation of survivors' pension following the death of a long-time insuree who died after reaching the age of 60 and completing 41 years of insurance periods with effective duration without having obtained a pension.

(5) The initial factor referred to in paragraph 3 of this Article shall apply to the calculation of survivors' pension following the insuree's death, who died after reaching the age of 65 and completing 35 years of insurance periods without having obtained a pension.”

#### Article 22

In Article 92, paragraph 2, after the words ”early retirement pension”, a comma is inserted and the words ”disability pension based on a general inability to work, disability pension

based on a complete loss of working capacity, or survivors' pension after the death of the insuree" are added.

After paragraph 4, paragraphs 5 and 6 are added which read:

"(5) A pension fund member who suffers from occupational disability which makes him or her entitled to a disability pension in accordance with a special regulation, or who suffers from occupational disability which makes him or her entitled to a disability pension in accordance with the Pension Insurance Act which was in force prior to the entry into force of this Act, or who suffers from a partial loss of capacity to work, which makes him or her entitled to a disability pension in accordance with this Act or a special regulation, or who becomes entitled to a temporary disability pension in accordance with Article 57 of this Act, may be granted the right to a pension only under the mandatory pension insurance scheme based on generational solidarity, and the capitalised contributions shall remain in the personal account of the fund member until he or she qualifies for an early retirement pension, old-age pension or disability pension due to a complete loss of capacity to work.

(6) An insuree exercising his or her pension insurance rights under more favourable conditions pursuant to a special regulation governing pension insurance rights of active military personnel, police officers or authorised officials, or whose pension is determined in accordance with that regulation, who does not choose to remain insured under the mandatory pension insurance scheme based on individual capitalised savings within 30 days of the entry into force of the Act on Mandatory Pension Funds (Official Gazette 19/14), shall exercise the right to a disability pension due to occupational disability or general inability to work, or an old-age pension or early retirement pension in accordance with a special regulation, as if he or she had only been insured under the mandatory pension insurance scheme based on generational solidarity."

#### Article 23

In Article 99, after paragraph 2, paragraphs 3 and 4 are added which read:

"(3) For a beneficiary who is receiving a disability pension based on occupational disability or general inability to work in accordance with a special regulation governing the rights of Croatian Homeland War veterans and their family members, and who, pursuant to that regulation, is not required to be covered by mandatory pension insurance while performing the duties of a manager of a cooperative, pension payment shall not be suspended nor redetermined on that basis if he or she performs the duties of a manager of a cooperative without salary or compensation.

(4) For a beneficiary who is receiving a disability pension based on a general inability to work, or a disability pension based on a complete loss of working capacity which has been converted to old-age pension in accordance with Article 58, paragraph 1 and Article 175, paragraphs 7 and 8 of this Act, pension payment shall be suspended if he or she finds employment or engages in a business activity which entails the obligation of insurance."

#### Article 24

In Article 100, paragraph 7 is amended to read:

”(7) For a beneficiary of a disability pension based on occupational disability granted prior to the entry into force of this Act, and a beneficiary of a disability pension based on a partial loss of working capacity referred to in Article 39, paragraph 3 of this Act, who continues to work performing another job according to his or her remaining or reduced capacity to work or subsequently becomes covered by insurance and accrues at least one year of insurance periods on that basis, the right to an old-age pension or early retirement pension may be granted if the conditions for granting such right have been fulfilled as provided for in Articles 33, 34, 35, 180 or 182 of this Act. The new pension shall be determined pursuant to Article 79, paragraphs 1 and 2 and Articles 81 to 88 of this Act, based on the total qualifying periods and value points accrued before obtaining the right to an old-age pension or early retirement pension, and the initial factor shall not exceed 1.0”.

After paragraph 7, paragraphs 8 and 9 are added which read:

”(8) A beneficiary of a disability pension based on occupational disability granted prior to the entry into force of this Act, and a beneficiary of a disability pension based on a partial loss of working capacity referred to in Article 39, paragraph 3 of this Act, who, after having acquired the right to this pension, was granted the status of an insuree, irrespective of the duration of insurance periods on that basis, may acquire the right to a disability pension based on a complete loss of working capacity if the conditions for granting such pension have been fulfilled as provided for in Article 39, paragraph 4 and Article 56 of this Act. The new pension shall be determined on the basis of the total qualifying periods and value points accrued by the date the right to a disability pension based on a complete loss of working capacity was granted, and the initial factor shall not exceed 1.0.

(9) A beneficiary of a disability pension based on occupational disability granted prior to the entry into force of this Act, and a beneficiary of a disability pension based on a partial loss of working capacity referred to in Article 39, paragraph 3 of this Act, who, after having acquired the right to this pension, did not have the status of an insuree, may acquire the right to a disability pension based on a complete loss of working capacity if the conditions for granting such pension have been fulfilled as provided for in Article 39, paragraph 4 and Article 56 of this Act. The new pension shall be determined on the basis of the total qualifying periods and value points accrued by the date the right to a disability pension based on a complete loss of working capacity was granted, and the initial factor shall not exceed 1.0.”

#### Article 25

In Article 105, after paragraph 1, new paragraphs 2, 3 and 4 are added which read:

„(2) The Institute shall be a public register of data referred to in Article 104, paragraph 1, with the exception of persons liable to pay contributions.

(3) The Institute shall be the basic register with respect of data referred to in paragraph 1, items 1 to 3 of this Article.

(4) The Institute shall ensure that collected and authentic data referred to in paragraph 3 of this Article are made available, through the state information infrastructures, to all public sector bodies that need these data for carrying out tasks that fall within their competence.«

Former paragraph 2 becomes paragraph 5.

## Article 26

In Article 109, paragraph 2 is amended to read:

”(2) A record taken by the Institute in which it identifies irregularities concerning the base amount for exercising the right to mandatory pension insurance based on generational solidarity must be submitted to the Tax Administration.”

After paragraph 2, a new paragraph 3 is added which reads:

”(3) The facts established in the process of controlling the proper application of laws and subordinate legislation which relate to the base amount for exercising the rights under pension insurance based on generational solidarity and which are stated in the record referred to in paragraph 2 of this Article shall represent the circumstances based on which the Tax Administration may initiate proceedings for issuing a tax ruling on the basis of special regulations.”

Former paragraph 3 becomes paragraph 4.

## Article 27

Article 112 is amended to read:

”(1) The information necessary to keep the pension insurance records shall be provided by contribution payers within the following time limits:

1. information about the beginning of business activities, termination of business activities and changes in business activities of persons liable to pay contributions – within 24 hours from the beginning or termination of business activities, or on the date on which a decision on entry into or deletion from the relevant register becomes final, or within 24 hours from the change in the business activities of a person liable to pay contributions;
2. information about the beginning of insurance, for insurees referred to in Article 9, paragraph 1, items 1 to 7 of this Act – not earlier than eight days before the beginning of employment, and not later than the beginning of employment;
3. information about the termination of insurance, for insurees referred to in Article 9, paragraph 1, items 1 to 7 of this Act, within 24 hours of the termination of work or employment;
4. information about the beginning and termination of insurance, persons paying contributions on their own – within 24 hours from the moment the decision on the registration in the relevant register becomes final;
5. notifications about changes during insurance – within 24 hours from the moment the change takes place;
6. information about disabled workers with the right to occupational rehabilitation – on the date when the decision on granting that right or the termination of that right becomes enforceable.



(2) If an insuree does not begin to work on the date of the beginning of insurance, the contribution payer shall notify the Institute thereof not later than that day.

(3) The Institute shall accept the notification referred to in paragraph 1 of this Article and shall confirm its receipt.

(4) The Institute shall verify the information given in the notification and shall enter them into the pension insurance records within three working days from the date on which any of the circumstances referred to in paragraph 1 of this Article occurs.

(5) If a person liable to pay contribution submits to the Institute a notification containing information required for keeping the pension insurance records after the expiry of the time limit specified in paragraph 1 of this Article, the Institute shall verify the information given in the notification and shall enter them into the pension insurance records within three working days from the date of receipt of the notification.

(6) By way of derogation from paragraph 1 of this Article, when the employer's seat is located outside of the Republic of Croatia in a European Union Member State, the time limit for actions listed in paragraph 1 of this Article shall be 60 days."

#### Article 28

In Article 123, paragraph 4 is amended to read:

"(4) The procedure for a control examination referred to in Article 126, paragraphs 1 and 2 of this Act shall be initiated by the Institute *ex officio*, while expert evaluation in the first-instance procedure shall be conducted by a regional unit of the Institute for Expertise depending on the place of residence of the person subjected to expert evaluation, and expert evaluation in the second-instance procedure following an appeal against a decision issued by the Institute on the basis of findings and opinions shall be conducted by the central office of the Institute for Expertise."

#### Article 29

In Article 125, paragraph 2, the words "an authorised expert examiner from the Medical Expertise Centre within the Institute" are replaced by the words "Institute for Expertise".

Former paragraphs 3 to 6 are amended to read:

"(3) On the basis of the findings and opinion of the Institute for Expertise given in the first-instance procedure, and after conducting the prescribed revision, the Institute shall issue a decision on the existence or non-existence of a reduced working capacity with the remaining working capacity, or the partial or complete loss of working capacity, and on other facts on which rights from this Act depend.

(4) If the insuree appeals against a decision referred to in paragraph 3 of this Article issued on the basis of the findings and opinion of the Institute for Expertise, the Institute shall issue a decision on the basis of the findings and opinion of the central office of the Institute for Expertise given following an appeal.

(5) The findings and opinion of the Institute for Expertise referred to in paragraph 4 of this Article, which confirm the existence of the fact referred to in paragraph 2 of this Article shall be subjected to a mandatory revision before a decision on the right is issued.

(6) Before issuing its findings and opinion, the Institute for Expertise may request a medical doctor to carry out additional medical examination, as well as to verify medical documentation enclosed with the application.”

In paragraph 7, the words ”The Medical Expertise Centre within the Institute” are replaced by the words ”The ministry responsible for the pension system”.

After paragraph 7, paragraph 8 is added which reads:

”(8) A decision on the basis of the findings and opinion on the existence or non-existence of a reduced working capacity with the remaining working capacity, or the partial or complete loss of working capacity, or physical damage, or a complete loss of working capacity of a family member of an insuree, shall be issued by the competent unit of the Institute not later than six months from the submission of a proposal of a medical doctor referred to in Article 123, paragraph 2 of this Act, or an application by the insuree.”

#### Article 30

In Article 126, paragraph 1, the words ”authorised expert examiner” are replaced by the words ”Institute for Expertise”.

Paragraph 2 is amended to read:

”(2) A beneficiary of a disability pension based on a general inability to work or a complete loss of working capacity who obtains the status of an insuree, and a beneficiary of a pension determined in accordance with Article 58 and Article 175, paragraph 7 of his Act, with the exception of insurees referred to in Articles 14 and 17 of this Act, shall be subject to mandatory control examination.”

Paragraphs 3 and 4 are deleted.

In former paragraph 5, which becomes paragraph 3, after the words ”from paragraph 1”, the comma and the words ”or 3” are deleted, and after the full stop at the end of the paragraph a new sentence is added which reads: ”The Institute shall be informed and provided with proof that the beneficiary has failed to appear for examination after having been properly summoned by the Institute for Expertise or the ministry responsible for the pension system.”

Former paragraph 6 becomes paragraph 4.

In former paragraph 7, which becomes paragraph 5, the words ”a complete loss of working capacity” are replaced by the words ”a partial or complete loss of working capacity referred to in Article 39, paragraphs 3 and 4 of this Act”.

After paragraph 5, paragraph 6 is added which reads:

”(6) A beneficiary based on a partial or complete loss of working capacity, as well as a beneficiary whose pension has been converted in accordance with Article 58 and Article 175, paragraph 7 of this Act, shall be subject to control examination even after reaching the age of 65 if he or she has obtained the status of an insuree.”

#### Article 31

After Article 126, Article 126a is added which reads:

#### ”Article 126a

(1) During the supervision and control procedure, the ministry responsible for the pension system may perform control examinations *ex officio* with regard to the rights obtained on the basis of a reduced working capacity or a partial or complete loss of working capacity, physical damage or general inability to work of family members, for as long as those rights are exercised, and shall issue its findings and opinion thereon.

(2) The competent regional unit of the Institute shall render a decision on the basis of the findings and opinion from paragraph 1 of this Article.

(3) When, during the supervision and control procedure referred to in paragraph 1 of this Article, control examination is performed *ex officio* in the ministry responsible for the pension system with regard to the rights obtained on the basis of a reduced working capacity with the remaining working capacity, or a partial or complete loss of working capacity, physical damage or general inability to work of the insuree's family member during the exercise of those rights, an expert examiner – reviewer, or a panel of expert examiners – reviewers shall issue the findings and opinion, based on which a decision shall be issued by the regional unit of the Institute which gave the final decision on the merits with regard to rights to a pension or compensation for physical damage.

(4) If an appeal is lodged against a decision of the Institute referred to in paragraph 3 of this Article, a panel of expert examiners – reviewers shall, acting upon the appeal, issue their findings and opinion, and the central unit of the Institute shall issue a decision on the basis of these findings and opinion.

(5) A panel of expert examiners – reviewers shall, acting upon an appeal, consider the reasons and new facts presented in the appeal, shall establish whether there are reasons to modify the findings and opinion given by an expert examiner – reviewer or a panel of expert examiners – reviewers, whether additional medical processing needs to be carried out or whether the insuree needs to be examined directly, and, on the basis of the procedure thus conducted, the panel of expert examiners – reviewers shall issue the findings and opinion.

(6) If a beneficiary of rights for no valid reason fails to appear for control examination referred to in paragraph 1 of this Article, the Institute shall suspend the payment of pension or monetary claims in accordance with Article 126, paragraphs 3 and 4 of this Act.

(7) The competent regional unit of the Institute shall submit to the Institute for Expertise, for their records, a copy of the findings and opinion referred to in paragraph 3 of this Article modifying the previous findings and opinion based on which the right was exercised to the detriment of the beneficiary.”

## Article 32

In Article 127, after the word "Pursuant to" the words "a regulation on the central expertise body and" are added.

## Article 33

In Article 128, paragraph 1 is amended to read:

"(1) In the process of establishing a right of an insured person, the date when, on the basis of an examination by a regional unit of the Institute for Expertise, an opinion referred to in Article 125, paragraph 2 of this Act or an opinion of the central office of the Institute for Expertise referred to in Article 135, paragraph 4 of this Act is issued shall be taken as the date of the onset of a reduced working capacity with the remaining working capacity, or a partial or complete loss of working capacity, or a physical damage."

After paragraph 1, a new paragraph 2 is added which reads:

"(2) By way of derogation from paragraph 1 of this Article, an earlier date of the onset of a reduced working capacity with the remaining working capacity, or a partial or complete loss of working capacity or a physical damage, may be determined on the basis of the medical documentation from a prior period."

Former paragraph 2 becomes paragraph 3.

## Article 34

In Article 129, paragraphs 1 and 2, the words „an authorised expert examiner" are replaced by the words „the Institute for Expertise".

In paragraph 3, the words „or the Medical Expertise Centre within the Institute" are deleted.

Paragraph 4 is amended to read:

„(4) When, during the revision referred to in paragraph 2 of this Article, it is established that the findings and opinion of the Institute for Expertise referred to in paragraph 1 of this Article need to be modified, the Institute for Expertise shall issue the new findings and opinion taking due account of the opinion given in the revision."

After paragraph 4, a new paragraph 5 is added which reads:

„(5) The findings and opinion issued in the supervision and control procedure referred to in Article 126a of this Act shall, before the decision is issued and regardless of the assessment given, be subjected to a revision carried out in the ministry responsible for the pension system. The revisions may not be carried out by the expert examiners or a panel of the expert examiners – reviewers that issued the findings and opinion concerned."

In former paragraph 5, which becomes paragraph 6, the words „the authorised expert examiner" are replaced by the words „the Institute for Expertise", and the words „were issued" are replaced by the words „were received".

After paragraph 6, paragraph 7 is added which reads:

„(7) The minister responsible for the pension system shall issue an ordinance concerning revision and control of medical expertise in pension insurance.”

#### Article 35

In Article 133, paragraph 3, the words „an authorised expert examiner” are replaced by the words „a regional unit of the Institute for Expertise”, and the words „an opinion of an authorised senior expert examiner” are replaced by the words „the findings and opinion of the central office of the Institute for Expertise referred to in Article 125, paragraph 4 of this Act”.

#### Article 36

After Article 140, Article 140a is added which reads:

#### „Article 140a

(1) Documents that the Institute issues within the scope of its competence and in the prescribed form shall be considered to be public documents.

(2) In the evidence procedure, a microfilm copy of a document or a copy made by digitising a document (digital copy), as well as a reproduction of a microfilm or digital copy of a document shall be deemed equivalent to a document referred to in paragraph 1 of this Article if such microfilm copy, digital copy or reproduction of these copies is issued by the Institute within the scope of its competence.

(3) It shall be permitted to prove that in such document or a microfilm copy of a document or a digital copy of a document, as well as in a reproduction of these copies, facts are false or that the document itself or a microfilm or digital copy or a reproduction of such copies have been incorrectly composed.

(4) It shall be permitted to prove that a microfilm or digital copy of a document, or a reproduction of these copies, is not a true copy of the document.

(5) A microfilm or digital copy of a document, or a reproduction of these copies, that has been issued by the Institute in the prescribed manner and within the scope of its competence shall, in administrative and other proceedings before the competent authorities, and in proceedings before the court, have the same probative value as the original for the purposes of the matter in respect of which the proceedings are conducted.”

#### Article 37

In Article 155, paragraph 1, item 1.8 is amended to read:

»1.8. pensions for beneficiaries referred to in Article 80, paragraph 7 of this Act, or parts of pensions for beneficiaries referred to in Article 80, paragraph 4, item 14 of this Act and survivors’ pensions or parts of survivors’ pensions acquired after the death of those insureds”.

#### Article 38

In Article 171, paragraph 1, after the words "hired a worker" the words "for a job for which, taking into account the nature and type of work and the powers of the employer, requires that the worker enters into employment and", and after the words „pension insurance" the words „from the first day of" are replaced by the word „before".

Paragraph 4 is amended to read:

„(4) The employer to whom the verbal decision referred to in paragraph 1 of this Article was issued, may, in accordance with a special regulation, request in writing that sealed premises be temporarily unsealed and immediately remove perishable goods and undertake other safety measures to avoid damages, all in the presence of a labour inspector."

Paragraphs 5 and 6 are deleted.

Former paragraph 7 becomes paragraph 5.

#### Article 39

Article 172 is amended to read:

„(1) The employer or person liable to pay contributions shall be fined for a misdemeanour in the amount from HRK 61 000.00 to HRK 100 000.00 for failing to notify the Institute that an insuree has not begun to work (Article 112, paragraph 2).

(2) The employer or person liable to pay contributions shall be fined for a misdemeanour in the amount from HRK 5 000.00 to HRK 50 000.00 for:

1. entering incorrect information into documentation submitted to pension insurance records (Article 108, paragraph 6);
2. preventing the verification of business records, financial documentation or other records, when this is required for the purpose of establishing the accuracy of data and facts on which an insuree's pension insurance right depends (Article 109, paragraph 1);
3. failing to report the beginning of business activities, termination of business activities and changes in business activities, or for reporting it after the prescribed time limit (Article 112, paragraph 1, item 1);
4. failing to report the beginning or termination of insurance or changes during insurance, or for reporting it after the prescribed time limit (Article 112, paragraph 1, items 2, 3 and 5).

(3) The responsible person shall be fined from HRK 1 000.00 to HRK 10 000.00 for committing a misdemeanour referred to in paragraphs 1 and 2 of this Article."

#### Article 40

In Article 174, item 2, the words „item 2" are replaced by the words „items 4 and 5".

#### Article 41

In Article 175, paragraph 7, after the words „general inability to work”, a comma is deleted and the words „due to illness” are added.

In paragraph 8, after the words „Article 58”, the words „paragraph 1” are added, and the words „within a year counting from the date this Act enters into force” are replaced by the words „1 January 2015”.

#### Article 42

U Article 177, after paragraph 1, paragraph 2 is added which reads:

„(2) By way of derogation from paragraph 1 of this Article, for pension beneficiaries referred to in Article 80, paragraph 4, item 1, sub-items a), b) and c) of this Act, the amount of obligations from the state budget referred to in Article 155, paragraph 1 of this Act, or the part of pension which pension beneficiaries acquired pursuant to special regulations under more favourable conditions shall be determined by the Institute in accordance with Article 80 of this Act on 30 June 2015.”

#### Article 43

Article 178 is amended to read:

„(1) For beneficiaries in respect of whom a part of their pension was determined or granted pursuant to special regulations under more favourable conditions, the Institute shall issue a decision, in accordance with Article 80 of this Act, on the parts of the pension to which they are entitled on 31 December 2014.

(2) By way of derogation from paragraph 1 of this Article, for beneficiaries in respect of whom a part of their pension was determined or granted pursuant to special regulations under more favourable conditions referred to in Article 80, paragraph 4, item 1, sub-items a), b) and c), the Institute shall issue a decision on the parts of the pension to which they are entitled on 30 June 2015.

(3) The Institute shall issue the decisions referred to in paragraphs 1 and 2 of this Article within 60 days from the date on which the parts of the pensions are determined.”

#### Article 44

In Article 180, after paragraph 2, paragraph 3 is added which reads:

„(3) The initial factor specified in Article 85, paragraph 3 of this Act shall apply to the calculation of a survivors’ pension following the death of an insuree who died after reaching the age specified in paragraph 1 of this Article and completing 35 years of insurance periods without having obtained a pension.”

#### Article 45

In Article 183, subparagraphs 'in the year 2026', 'in the year 2027', 'in the year 2028' and 'in the year 2029' are amended to read:

*„in the year 2026:*

- with accrued up to and 35 years of qualifying periods: 0.34 % per month,
- with accrued 36 years of qualifying periods: 0.32 % per month,
- with accrued 37 years of qualifying periods: 0.25 % per month,
- with accrued 38 years of qualifying periods: 0.15 % per month,
- with accrued 39 years of qualifying periods: 0.10 % per month;

*in the year 2027:*

- with accrued up to and 35 years of qualifying periods: 0.34 % per month,
- with accrued 36 years of qualifying periods: 0.32 % per month,
- with accrued 36 years and 3 months of qualifying periods: 0.30 % per month,
- with accrued 37 years and 3 months of qualifying periods: 0.25 % per month,
- with accrued 38 years and 3 months of qualifying periods: 0.15 % per month,
- with accrued 39 years and 3 months of qualifying periods: 0.10 % per month;

*in the year 2028:*

- with accrued up to and 35 years of qualifying periods: 0.34 % per month,
- with accrued 36 years of qualifying periods: 0.32 % per month,
- with accrued 36 years and 6 months of qualifying periods: 0.30 % per month,
- with accrued 37 years and 6 months of qualifying periods: 0.25 % per month,
- with accrued 38 years and 6 months of qualifying periods: 0.15 % per month,
- with accrued 39 years and 6 months of qualifying periods: 0.10 % per month;

*in the year 2029:*

- with accrued up to and 35 years of qualifying periods: 0.34 % per month,
- with accrued 36 years of qualifying periods: 0.32 % per month,
- with accrued 36 years and 9 months of qualifying periods: 0.30 % per month,
- with accrued 37 years and 9 months of qualifying periods: 0.25 % per month,



- with accrued 38 years and 9 months of qualifying periods: 0.15 % per month,
- with accrued 39 years and 9 months of qualifying periods: 0.10 % per month.”

#### Article 46

(1) Family members referred to in Article 22, paragraph 3 of the Act may obtain the right to a survivors' pension under the conditions laid down in this Act if the extramarital partnership existed no earlier than 28 March 2008 or later, and lasted for at least three years.

(2) Family members referred to in Article 22a, paragraphs 1 and 2 of the Act may obtain the right to a survivors' pension under this Act if the partnership existed on 5 August 2014 or later, and provided it lasted for at least three years.

#### Article 47

In procedures deciding on applications for the exercise of the rights that are granted on the basis of the findings and opinion of an expert examination body, which are not finalised by the entry into force of this Regulation, expert examination shall be carried out in the Institute for Expertise in accordance with the regulations that were in force at the time the application for the exercise of the rights was submitted.

#### Article 48

The ordinance referred to in Article 129, paragraph 7 of the Act shall be issued by the minister responsible for the pension system within 15 days from the day of entry into force of this Regulation.

#### Article 49

This Regulation shall be published in the Official Gazette, and shall enter into force on 1 January 2015.

Class: 022-03/14-03/136

Reg. No: 50301-04/12-14-2

Zagreb, 17 December 2014

Prime Minister  
**Zoran**  
**Milanović, m. p.**